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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA, )

9 Plaintiff, )

10 v. )

11 BRIAN AYER, )

12 Defendant. )

2:15-CR-086-APG-(NJK)

13 **PRELIMINARY ORDER OF FORFEITURE**

14 This Court finds that on May 6, 2015, defendant BRIAN AYER pled guilty to Count One of a  
15 One-Count Criminal Information charging him with Possession of Child Pornography in violation of  
16 Title 18, United States Code, Section 2252A(a)(5)(B). Criminal Information, ECF No. \_\_\_\_; Change of  
17 Plea, ECF No. \_\_\_\_; Plea Agreement, ECF No. \_\_\_\_.

18 This Court finds defendant BRIAN AYER agreed to the forfeiture of the property set forth in  
19 the Plea Agreement and the Forfeiture Allegations of the Criminal Information. Criminal Information,  
20 ECF No. \_\_\_\_; Change of Plea, ECF No. \_\_\_\_; Plea Agreement, ECF No. \_\_\_\_.

21 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America  
22 has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture  
23 Allegations of the Criminal Information and the offense to which defendant BRIAN AYER pled  
24 guilty.

25 The following assets are (1) any visual depiction described in Title 18, United States Code,  
26 Section 2252A, or any book, magazine, periodical, film, videotape, or other matter which contains any

1 such visual depiction, which was produced, transported, mailed, shipped or received in violation of  
2 Title 18, United States Code, Section 2252A(a)(5)(B) and (2) any property, real or personal, used or  
3 intended to be used to commit or to promote the commission of a violation of Title 18, United States  
4 Code, Section 2252A(a)(5)(B) or any property traceable to such property and are subject to forfeiture  
5 pursuant to Title 18, United States Code, Section 2253(a)(1) and (a)(3):

- 6 1. Acer laptop S/N 10391131a561601;
- 7 2. Asus tablet;
- 8 3. Dell laptop S/N 4fcsxj1;
- 9 4. Miscellaneous DVD's and CD's;
- 10 5. Acer laptop S/N unknown;
- 11 6. Acer notebook S/N unknown;
- 12 7. Sony PlayStation; and
- 13 8. Sandisk SD Card

14 (all of which constitutes "property").

15 This Court finds the United States of America is now entitled to, and should, reduce the  
16 aforementioned property to the possession of the United States of America.

17 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the  
18 United States of America should seize the aforementioned property.

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of  
20 BRIAN AYER in the aforementioned property is forfeited and is vested in the United States of  
21 America and shall be safely held by the United States of America until further order of the Court.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America  
23 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture  
24 website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, which shall describe the forfeited property, state the  
25 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the

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1 name and contact information for the government attorney to be served with the petition, pursuant to  
2 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity  
4 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate  
5 the validity of the petitioner's alleged interest in the property, which petition shall be signed by the  
6 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and  
7 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner's  
8 right, title, or interest in the forfeited property and any additional facts supporting the petitioner's  
9 petition and the relief sought.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed  
11 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no later than  
12 thirty (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days  
13 after the first day of the publication on the official internet government forfeiture site,  
14 [www.forfeiture.gov](http://www.forfeiture.gov).

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,  
16 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the  
17 following address at the time of filing:

18 Michael A. Humphreys  
19 Assistant United States Attorney  
20 Daniel D. Hollingsworth  
21 Assistant United States Attorney  
22 Lloyd D. George United States Courthouse  
23 333 Las Vegas Boulevard South, Suite 5000  
24 Las Vegas, Nevada 89101.

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein  
26 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency

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1 following publication of notice of seizure and intent to administratively forfeit the above-described  
2 property.

3 DATED this 5<sup>th</sup> day of May, 2015.

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7 UNITED STATES DISTRICT JUDGE  
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